

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, April 28, 2021 @ 7:00PM

Chairman McLaughlin called the meeting to order at 7:00pm.

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

Pursuant to Governor Murphy's Executive Orders #107 and 108 ordering Statewide lockdowns, and P.L. 2020, c. 34 permitting public bodies to conduct meetings via electronic means during declared states of emergency, the Regular meeting of the Borough of Harrington Park Board of Adjustment scheduled for April 28, 2021 at 7:00 p.m. will be conducted remotely from the electronic meeting platform Zoom.us. Members of the public can join the meeting and participate during the public comment period by joining the meeting using the Zoom mobile application on a smartphone or tablet, joining the meeting by laptop with microphone capabilities, or dialing in using a telephone to the Zoom teleconference system. Information on how to join the meeting electronically appears in the borough website.

CL verified around 6:40pm using a cell phone that the dialing in option worked before the meeting started.

ROLL CALL

| Roll Call | PRESENT | ABSENT |
|----------------------------------|----------------|---------------|
| (RM) Chairman Richard McLAUGHLIN | X | |
| (MR) Vice Chair Michael ROTH | | X |
| (JP) John POWERS | X | |
| (RB) Robert BUDINICH | | X |
| (JC) Jin CHO | | X |
| (SL) Steve LOTT | X | |
| (SM) Stephen MARTINEZ | X | |
| (GZ) Gail ZACCARO (alternate a) | X | |
| (RF) Robert FRANK (alternate b) | | X |

Also present: (JS) John Schettino, Board Attorney
(CL) Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

1. March 24, 2021 minutes.

JP watched the March 24, 2021 meeting recording.

| Vote to approve the March 24, 2021 minutes. | Motion | Second | Yes | No | Abstain | Absent |
|--|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | | | | | | X |
| John POWERS | | | X | | | |
| Robert BUDINICH | | | | | | X |
| Jin CHO | | | | | | X |
| Steve LOTT | | | X | | | |
| Stephen MARTINEZ | X | | X | | | |
| Gail ZACCARO (alternate a) | | X | X | | | |
| Robert FRANK (alternate b) | | | | | | X |

INVOICES FOR APPROVAL

| | | |
|---------------------------------|--------------------------------------|-------------------|
| Law Office of John L. Schettino | 224 Florence Rd Resolution (Escrow) | \$ 250.00 |
| Law Office of John L. Schettino | 79 Herring St. Resolution (Escrow) | \$ 250.00 |
| Law Office of John L. Schettino | 81 Lincoln Terr. Resolution (Escrow) | \$ 250.00 |
| Law Office of John L. Schettino | 54 Dean St. Resolution (Escrow) | <u>\$ 250.00</u> |
| TOTAL | | \$1,000.00 |

| Vote to approve | Motion | Second | Yes | No | Abstain | Absent |
|-----------------------------|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | | | | | | X |
| John POWERS | | | X | | | |
| Robert BUDINICH | | | | | | X |
| Jin CHO | | | | | | X |
| Steve LOTT | X | | X | | | |
| Stephen MARTINEZ | | X | X | | | |
| Gail ZACCARO (alternate a) | | | X | | | |
| Robert FRANK (alternate b) | | | | | | X |

HEARINGS

1. 21 Eastbrook Road - 5ft fence on front yard of a corner lot (Mr. & Mrs. Dank)

Boris and Elena Dank, 21 Eastbrook Road, Harrington Park, NJ were sworn in. They are asking to install a 5ft fence around the property. 21 Eastbrook Rd. is a corner property and the side yard is considered to be a front yard. CL shared the survey online. Hackensack Ave. is a pretty busy street. They have tried for a number of years to improve the foliage around the house. The tall trees were not doing well and they planted 6ft high Norwegian spruces. The bigger trees were not letting the Norwegian spruces grow, so they cut the taller trees down. There are staggered spruces on 2 rows along Hackensack. There are tennis courts that are busy across Hackensack Rd. The Danks have 3 young kids who spend more time at home because of the pandemic. The entire side and back yard is completely see-through from the street. They are looking to get some privacy. They have tried everything they can with foliage to cover the yard. The fence would be on the inside of the trees so that the trees would be blocking view of the fence from the street. They would like to put the fence as close as possible to the easement along the back. The top side of the house, they would like to put the house as close to the property line as possible. The Danks shared their screen. They showed a picture of the neighbors' trees along Hackensack that are tall with no low coverage and the view into their yard. Their kids play in the yard everyday and they are trying to get some security and privacy with an enclosed backyard. Mr. Dank said that the fence along the back would be about 1ft away from the pipe. They showed a picture across Hackensack with the 7ft -8ft high spruces. Mrs. Dank said that the fence would be behind the spruces if looking from Hackensack. She believes that the fence would be blocked by the trees in the next couple of years as the trees grow. Another picture showed the backyard with 3 new spruces. The fence would go on the outside of them. Even though the trees are there, there isn't much privacy.

The Board clarified that the drainage easement is 7.5ft and not 7.5in. JS said that the town must provide permission to put anything on the easement area. Mr. Dank wanted to put the fence as close to the easement as possible. SL noted if the applicant installed a fence and the backyard neighbor installed a backyard fence, there would be a 15ft alleyway. JS said that in other communities, typically it would be considered a licencing agreement to place a fence or shed on an easement. The Danks require approval from this board for a 5ft high fence. They would go before the Mayor and Council to place a fence in the easement area in their backyard. The variance approval could be contingent on the town granting permission for the fence on the easement area. Mr. Dank thought that putting anything in the easement could not be a permanent structure. JS said that it is a utility easement. If any work has to be done on it, it would be a concern to the municipality and would have to be removed to do the work in the easement. The applicant would have to go to the Mayor and Council and would have to agree that if the fence had to be removed, the applicant would be responsible for the cost of removal, maintenance, and other conditions. The Board of Adjustment doesn't have the authority to approve anything in the

easement area. The Danks have the option to write a letter to the Mayor and Council, provide a survey and possibly appear at a council meeting.

Mr. Dank said that there is a grate in the back and they would not be able to put a fence where it is located. He estimated that the grate is 6.5ft into the easement. If the town permits putting the fence on the easement, they will. If the town does not, they will put the fence 7.5ft along the easement.

CL will ask the zoning official the zone for the property and email JS with the information.

The Danks are planning to install a 5ft high solid white vinyl fence, but have not decided at this time. They are not planning to put a lattice top.

The next meeting is May 26th. Between now and the next hearing date, the board members will look at the property and neighborhood and should be able to make a decision in the next hearing.

JS suggested that the Danks can write the letter and enclose a survey to the Mayor and Council and copy the letter to the Borough Attorney, Jack Dineen, before the next hearing and inform them that they have an application before the Board and were told by the Board that if they wanted to construct a fence on the easement that they would need permission from the town. Before the next meeting the Danks may know if a fence could be placed on the easement area. The Mayor and Council may require the applicants to attend their next meeting or someone will contact you.

The application is continued until May 26th.

There was discussion about the location of the property. The backyard neighbor was approved a variance for a 5ft fence that has not been installed at this time. The board members discussed that it would look better if the fences were the same or similar.

CL will check the resolution for the back yard neighbor for the type of fence.

There was discussion if there will be an alleyway, would it be full trash, a hangout for kids or not maintained. RM noted that it is the applicant's property even though there is an easement. A condition may be that the applicant is required to clean up anything behind the fence up to the property line. The Borough property code might apply without a condition in the variance. The construction official can make a request to the applicant to clean the area if there is a property maintenance problem. The inlet is on the applicant's property and they would not be able to block the inlet. The concern is the impact on the neighborhood. Each application is unique and

the board looks at the neighborhood. It may be a condition that the fence must be the same height and the neighbor's fence. A 5ft fence is permitted on the side that is not Hackensack Ave.

RESOLUTIONS

1. 29 South Ave. - lot coverage and side yard setback for an inground pool (Mr. & Mrs. Schneider)

CL emailed a list of changes to the resolution. The approval is for the resolution with the corrections from the email.

| Vote to approve the written resolution with the corrections for lot coverage and side yard setback for an inground pool at 29 South Avenue. | Motion | Second | Yes | No | Abstain | Absent |
|--|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | | | | | | X |
| John POWERS | | | X | | | |
| Robert BUDINICH | | | | | | X |
| Jin CHO | | | | | | X |
| Steve LOTT | | | X | | | |
| Stephen MARTINEZ | X | | X | | | |
| Gail ZACCARO (alternate a) | | X | X | | | |
| Robert FRANK (alternate b) | | | | | | X |

MEETING OPENED TO THE PUBLIC

The meeting was opened to the public. There were no members of the public with questions and there were no members of the public waiting to enter the meeting. Meeting was close to the public.

OLD BUSINESS

No old business.

NEW BUSINESS

No new business.

ADJOURN

Motion: SM Second: SL

In favor, all said "aye". None opposed.

Meeting adjourned at 7:32 pm.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Wednesday, May 26, 2021 at 7pm